IN THE HIGH COURT OF JUDICTURE FOR RAJASTHAN AT JODHPUR.

O R D E R

Mangi Lal Shah. Versus Rajasthan Janjati Kshetriya Vikas Sangh Ltd. & Anr.

S.B. Civil Writ Petition No. 6732/2005

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Date of Order: May 02, 2007

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

Mr. R.N. Upadhyaya, for the petitioner.
Mr. Manoj Bohra, for the respondents.

BY THE COURT:

By the instant writ petition under Article 226 of the Constitution of India, the petitioner seeks to declare the orders Annx.12 dated 8-9-2004 and Annx.13 dated 13-9-2004 as non-applicable to the petitioner and also seeks quashing of the impugned order Annx.11 dated 13-7-2005.

The petitioner was an employee of the respondents, who, on attaining the age of 58 years, has been superannuated with effect from 31-12-2005 (afternoon). The petitioner seeks a direction to the respondents to reinstate him in service treating the age of superannuation as 60 years.

Learned counsel for the petitioner submits that the date of birth of the petitioner is 1-1-1948 and he joined the duty

with the respondents as Accountant cum Store-Keeper in pursuance of the appointment order dated 12-7-1977. The State Government enhanced the superannuation age from 58 to 60 years for its employees, however, the respondents failed to enhance the superannuation age from 58 to 60 years and, therefore, the petitioner claims similar treatment to him which is provided to the employees of the State Government.

Learned counsel for the respondents submits that though the State Government has enhanced the superannuation age of its employees from 58 to 60 years, but so far as the public sector undertakings are concerned, it is open for them to enhance or not to enhance the superannuation age as it was left open to all the public sector undertakings. The State Government issued a Circular dated 24-5-2004 directed all the public sector undertakings, while enhancing the superannuation age of its employees from 58 to 60 years, to consider the superannuation age of the employees of the public sector undertakings; however, the respondents have considered and decided to keep the superannuation age of its employees as 58 years and accordingly the petitioner has been superannuated on completion of 58 years.

Thus, admittedly, so far as public sector undertakings are concerned, it is for them to decide whether to enhance or not the age of superannuation of their employees, but at any rate,

the the Circular of the State Government enhancing the age of superannuation of its employees has no application at all to the employees of public sector undertakings. The State Government, by the Circular dated 24-5-2004 has made it clear leaving it open to the public sector undertakings to consider and decide the superannuation age of their employees, which, in the instant case, after having considered by the respondents, the respondents did not think it proper to enhance the superannuation age of their employees.

The employees of the respondents are not the civil servants of the State Government. The respondent Sangh is competent to prescribe the pay scales, age of superannuation and the service conditions of its employees and, therefore, it cannot be said that the age of superannuation prescribed by the State Government shall automatically apply to the employees of the respondent Sangh.

In this view of the matter, I do not find any merit in the writ petition. No case for interference in the impugned orders is made out. The writ petition is, therefore, dismissed. There shall be no order as to costs.

(H.R. PANWAR), J.

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